

Remarks

Claims 1-7 and 21-28 are pending. Claims 21-28 have been canceled by the present amendment.

I. Rejection under 35 USC §102:

Claims 1-3 and 21-23 stand rejected as being allegedly anticipated by WO 90/09804 ("Zanetti"). Examiner finds that the fusion molecules claimed in the present invention are identical in structure to those disclosed in Zanetti. Applicant respectfully submits the claims as currently amended overcome Zanetti as a valid §102 reference. Specifically, the claims now recite the specific autoimmune disease (multiple sclerosis) and a specific autoantigenic fragment for insertion into the immunoglobulin (SEQ ID NO:1 or SEQ ID NO:2). Accordingly, Applicant respectfully requests Examiner withdraw the §102 rejection in light of the current amendments to the claims.

II. Rejection under 35 USC §103:

Claims 1, 3, 4, 5, 24, 25 and 26 are rejected as being allegedly unpatentable over Zanetti in view of Liu et al. Applicant submits the current claim amendments obviate the above references. Specifically, the claims now recite the specific autoimmune disease (multiple sclerosis) and a specific autoantigenic fragment for insertion into the immunoglobulin (SEQ ID NO:1 or SEQ ID NO:2). Zanetti is silent regarding the specific autoimmune disease and the specific autoantigen for inclusion into the fusion protein. Liu et al. fails to cover that which is lacking in Zanetti. Specifically, Liu et al. refers to another autoantigen (MBP) and is silent regarding the autoantigen used in the present invention (derived from PLP). Accordingly, Applicant respectfully requests Examiner withdraw

the §103 rejection in light of the current amendments to the claims.

Claims 1, 3, 4, 6, 24, 25 and 27 are rejected as being allegedly unpatentable over Zanetti in view of Karpus et al. Applicant submits the current claim amendments obviate the above references. Specifically, the claims now recite the specific autoimmune disease (multiple sclerosis) and a specific autoantigenic fragment for insertion into the immunoglobulin (SEQ ID NO:1 or SEQ ID NO:2). Zanetti is silent regarding the specific autoimmune disease and the specific autoantigen for inclusion into the fusion protein. Karpus et al. fails to cover that which is lacking in Zanetti. Specifically, Karpus et al. teaches a single administration of a PLP peptide without being bound or linked to a fusion protein. One skilled in the art would not be motivated to combine Zanetti with Karpus et al., as nothing in Karpus et al. would suggest an enhanced effect with linking the PLP peptide within an IgG construct. Further, the present invention teaches the full replacement of the CDR with the epitope of interest. Both Zanetti and Karpus et al. are silent as to this teaching of the present invention. Accordingly, Applicant respectfully requests Examiner withdraw the §103 rejection in light of the current amendments to the claims.

Claims 7 and 28 are rejected as being allegedly unpatentable over Zanetti in view of Liu et al. in view of Karpus et al. and further in view of Elliott et al. As discussed above, the present claim amendments obviate the references and Elliott et al. does nothing to remedy said defects. Accordingly, Applicant respectfully requests Examiner withdraw the §103 rejection in light of the current amendments to the claims.

III. Rejection under 35 USC §112:

Claims 1-7 and 21-28 are rejected as allegedly failing to comply with the written description requirement. Examiner finds that Applicant could not supply adequate examples of inventing the genus as claimed. Applicant respectfully submits the current claim amendments overcome the rejection. Specifically, the claims now recite the specific autoimmune disease (multiple sclerosis) and a specific autoantigenic fragment for insertion into the immunoglobulin (SEQ ID NO:1 or SEQ ID NO:2). Support for these amendments may be found throughout the specification, most notably in the Examples section. Accordingly, Applicant respectfully requests Examiner withdraw the §112 rejection in light of the current claim amendments.

Applicant respectfully requests withdrawal of the above noted rejections and allowance of the present claims. Additionally, Applicant is applying for a three month extension of time. If there are any questions or comments, Applicant's attorney may be reached at the telephone number state below.

Respectfully submitted,



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